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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/830,299	04/25/2001	Jeffrey Shaw	18390.4	8261

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EXAMINER

FULLER, RODNEY EVAN

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 07/14/2003 - *restart*

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/830,299

Applicant(s)

SHAW, JEFFREY

Examiner

Rodney E Fuller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-54 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-54 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on October 26, 1998. It is noted, however, that applicant has not filed a certified copy of the 198-49-269.3 application as required by 35 U.S.C. 119(b).

Information Disclosure Statement

2. The information disclosure statement filed April 25, 2001 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to (DE 38 01 415) therein has not been considered.

Drawings

3. The drawings are objected to because in Figure 3, the "position 8 and the camera 7" are represented twice: once in the center of the Figure and once above the "kitchen area". A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the following must be shown or the feature(s) canceled from the claim(s):

- a. (Claims 28, 31, 50): “the film,” with “said visible section having a section width which is less than the film width, said visible section also having a section height which is less than the film height;”
- b. (Claims 28, 31): a means for “replaying audio information;”
- c. (Claim 36): “means for evaluating an orientation of said signal to control of replay of said viewed section;”
- d. (Claim 49): “a computer;”
- e. (Claim 50): “means for emphasizing said viewed section,” and “means for replaying said emphasized viewed section;”
- f. (Claim 53): “individual sound replay unit and headphones;”

No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: ref.#s 20, 21 and 22 in Figure 4. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

7. The abstract of the disclosure is objected to because the phrase "The invention relates to..." can be implied. Correction is required. See MPEP § 608.01(b).

8. The disclosure is objected to because of the following item(s):

On page 9, 3rd paragraph, line 2, the specification relates "the signal" with reference no. 3. However, on page 8, 1st paragraph, line 2 and in Figures 1, 2 and 4, the reference no. 3 is associated with the "second scene" of a "small group of trees."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 28-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Gilbert, et al. (US 6,337,683).

Regarding claims 28, 31 and 50, Gilbert discloses panoramic images on a film, i.e., “defining a visible section of the film, said visible section having a section width which is less than the film width, said visible section also having a section height which is less than the film height;” “controlling by means of a viewer, a position of said visible section within said film” (Figure 1, ref.# 3B and column 2, lines 56-57); and replaying audio information which does not belong to said visible section (column 3, lines 18-21).”

Regarding claims 29, 31 and 50, Gilbert discloses “emphasizing” or “amplifying audio information which belongs to said visible film section.” (column 3, lines 18-21)

Regarding claim 30, Gilbert discloses “wherein said portion of said visible section of the film depends on a viewing direction of the viewer.” (column 2, lines 56-65)

Regarding dependent claims 32-49 and 51-53, Gilbert, likewise, discloses (or inherently includes) all the structure and associated methods set forth in the claims.

Regarding claim 54, Gilbert discloses “recording, using a camera means, an image which is considered larger than a usual visual viewing section and which can be detected by a human eye with sufficient sharpness (column 1, lines 58-61); and associating, using said camera means, directional information with acoustical signals which are correlated with a certain scene of a film panorama (column 3, lines 18-21 and Figure 3D, ref.# 21c).”

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10. Claim 54 is rejected under 35 U.S.C. 102(b) as being anticipated by Shimuzu, et al. (US 4,868,682).

Regarding claim 54, Shimuzu discloses "recording, using a camera means, an image which is considered larger than a usual visual viewing section and which can be detected by a human eye with sufficient sharpness (column 3, lines 25-30 and Figure 1, ref.#s A-H); and associating, using said camera means, directional information with acoustical signals which are correlated with a certain scene of a film panorama (column 3, lines 33-35 and Figure 1, ref.# 22)."

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Jackson, et al. (US 5,990,941) disclose an apparatus for interactive display of any portion of a spherical or panoramic image.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney Fuller whose telephone number is (703) 306-5641. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams, can be reached on (703) 308-2847.

Rodney Fuller
Primary Examiner

April 17, 2003

